



PATENT APPLICATION

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Response
SDamus
7/24/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Peter HAWKINS

Group Art Unit: 2862

Application No.: 09/816,225

Examiner: T. Le

Filed: March 26, 2001

Docket No.: 109068

For: PARAMAGNETIC PARTICLE DETECTION

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RESPONSE TO RESTRICTION REQUIREMENT

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

In reply to the July 17, 2002 Restriction Requirement, Applicant provisionally elects Group 2, claims 9-14, with traverse.

Applicant respectfully submits that Group I drawn to a method of determining a number of magnetic particles is sufficiently similarly related to Group II comprising a method of performing a binding assay by determining the number of magnetic particles both of which are performed by determining the difference in a resonant frequency when a sample is selectively exposed to a magnetic field.

It is also respectfully submitted that the subject matter of all claims 1-26 are sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions"

(emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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JAO:PDM/kys

Date: July 16, 2002

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